In my opinion the fines imposed by the Magistrate ($25.00 and $10.00 respectively) were ludicrously inadequate, in view of the circumstances and the recent previous convictions.

I warned both Respondents that the Magistrate had the power to award imprisonment without the option of a fine and expressed the hope that he would do, if they come up again before him for similar offences.

I believe that both enhanced fines were paid on the spot by the Respondents!

Appeal allowed.

Sentences enhanced.

[REVISIONAL CIVIL JURISDICTION]
POYSER, C.J.
November 2, 1939.

RAMACHANDRAN
v.
KANDIAH alias SUBRAMANIAM.

[SELANGOR CIVIL APPLICATION No. 63 of 1939]

Medical Registration Enactment (Cap. 178) Ss. 5, 10—practitioner in native medicine—whether entitled to recover charges for treatment.

There is nothing in the Medical Registration Enactment (Cap. 178) to prevent a practitioner in native medicine, though not registered as a medical practitioner under the Enactment, from recovering reasonable charges for his services.

CIVIL REVISION.

Petitioner in person.

G. W. de Silva for Plaintiff-Respondent.

Cur. Adv. Vult.

Poyser, C.J.—There is no reason for dissenting from the Magistrate on any of his findings of fact. The only question that arises on this petition is whether the plaintiff, who is not registered as a medical practitioner, can recover charges for medical treatment from the defendant.

The plaintiff is the proprietor of the Ayurvedic Medical Hall at 72 Station Road, Sentul, Kuala Lumpur. He has a diploma from the Lanka Ayurvedic Medical College, Jaffna, Ceylon. The diploma (or a copy thereof) was not included in the record, but I assume it set out that the plaintiff was qualified as a practitioner in Ayurvedic medicine.

Section 5 of the Medical Registration Enactment (Cap. 178) provides that only Registered Medical Practitioners may recover in any Court charges for medical and surgical services, but section 10 specifically recognises the practice of native systems of therapeutics. This latter section is as follows:—

> "Nothing contained in this Enactment shall be construed to prohibit or prevent the practice of native systems of therapeutics according to Indian, Chinese or other Asiatic method."

Ayurvedic medical treatment is a well-known Asiatic system of therapeutics. It has been recognised as such by the Ceylon Courts, and I can see no reason why it should not be so recognised in the F.M.S. There is, therefore, nothing in the Medical Registration Enactment to prevent a practitioner in Ayurvedic Medicine from recovering reasonable charges for his services.

In this case the plaintiff's charges appear to have been very reasonable, and he was entitled to judgment on his claim.

I refuse to exercise any revisionary powers.

Petition refused.

[ORIGINAL CIVIL JURISDICTION]
GORDON-SMITH, Ag. J.A.
November 3, 1939.

RE CHIA KENG HOCK; EXPARTE PUSHPALINGAM.

[SELANGOR WAGE-EARNER'S ADMINISTRATION ORDER No. 25 of 1939]

Bankruptcy Enactment (Cap. 55) Ss. 78, 79—realisation of assets of bankrupt—application by creditor for order calling on Official Assignee to take action—procedure.

Before a creditor is entitled to apply for an order under Section 79 of the Bankruptcy Enactment calling upon the Official Assignee to take steps for the benefit of the creditors generally to get in and realise assets alleged to belong to a bankrupt, he should act under the provisions of Section 78 of the same Enactment.

MOTION.

F. A. Briggs for the applicant (Creditor).

K. R. Blackwell, Official Assignee, F.M.S., in person. Although applicant does not state on what authority he has made his application to Court, it is presumed that he has acted under Section 79 of Cap. 55, *i.e.* he is aggrieved by an act or decision of the Official Assignee. In his affidavit dated the 28th October 1939 the act or decision complained of is what he was told by his solicitor after the latter had had an informal meeting with the Official Assignee. He submitted that there had been no legal act or decision. He contended that as Section 78 immediately precedes Section 79, an aggrieved creditor should not have rushed to Court and taken action under Section 79 when a clear course of action is indicated in Section 78. This section states that the Official Assignee shall in